

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD LEE SCHNACKER,

Defendant.

CASE NO. CR19-5387 BHS

ORDER

THIS COURT having considered the Joint Status Report and Stipulated Motion Continuing the Trial and the facts set forth therein, and General Orders 01-20 through 09-20 of the United States District Court for the Western District of Washington re Extension of Court Operations Under the Exigent Circumstances Created by COVID-19 and Related Coronavirus, addressing measures to reduce the spread and health risks from COVID-19, which is incorporated herein by reference, hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Tacoma and Pierce County regarding social distancing measures required to stop the spread of this disease as well as the lack of the type of personal protective equipment necessary to ensure the health and safety of all participants it is not possible at this time to proceed with a jury trial.

2. Further, because of the recommendations that individuals at higher risk of contracting this disease –including individuals with underlying health conditions, individuals

age 60 and older, and individuals who are pregnant – avoid large groups of people, at this time, it would be difficult, if not impossible, to get a jury pool that would represent a fair cross section of the community. Based on the recommendations it would also be medically inadvisable to do so.

3. As a result, the failure to grant a continuance of the trial date in this case would likely result in a miscarriage of justice and would deny counsel for the defendant and government counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(B)(i). Pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by continuing the trial in this case outweighs the best interest of the public and the defendant to a speedy trial.

IT IS THEREFORE ORDERED that the parties' request to continue the trial date are GRANTED. A plea in this matter is scheduled for November 16, 2020 at 10:00 a.m. Trial in this matter is scheduled for March 9, 2021. Pretrial motions shall be filed no later than January 29, 2021. A pretrial conference is scheduled for March 1, 2021 at 10:00 a.m.

IT IS FURTHER ORDERED that the period time from the date of this order up to and including the trial date, shall be excludable time pursuant to 18 U.S.C. § 3161.

Dated this this 13th day of August 2020.



BENJAMIN H. SETTLE  
United States District Judge

Presented by:

s/ Angelica Williams  
ANGELICA WILLIAMS  
Assistant United States Attorney

s/ Heather Carroll  
HEATHER CARROLL  
Attorney for Defendant